

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: ARC AIRBAG INFLATORS
PRODUCTS LIABILITY
LITIGATION

ALL CASES

Case No. 1:22-md-3051-ELR

MDL No. 3051

Judge Eleanor L. Ross

**[PROPOSED] ORDER
GRANTING STIPULATION
REGARDING SERVICE OF
PROCESS ON NON-U.S.
HYUNDAI AND KIA
DEFENDANTS**

The Court has reviewed and considered the stipulation submitted by Plaintiffs and Hyundai Motor America, Kia America, Inc., Hyundai Motor Company, and Kia Corporation (together, the “Hyundai/Kia Defendants”) regarding waiver of service of the Corrected Consolidated Class Action Complaint (ECF 157, “Complaint”) on Hyundai Motor Company and Kia Corporation (the “Non-U.S. Defendants”) and certain discovery matters.

There appearing to be good cause for the order requested in the stipulation,
IT IS HEREBY ORDERED:

1. Defendants Hyundai Motor Company and Kia Corporation agree to accept service and waive the formalities of service under the Hague Service

Convention or Federal Rule of Civil Procedure 4 for the sole purpose of accepting service of the Complaint in the above-captioned litigation only.

2. The Non-U.S. Defendants shall respond to the Complaint within 90 days after service of the Complaint or, if the Court dismisses any claims without prejudice and Plaintiffs advise the Court they intend to amend their Complaint, or if Plaintiffs file an amended complaint (“Amended Complaint”) during that period, 90 days after service of the Amended Complaint.

3. Until the Non-U.S. Defendants file an answer to the Complaint or a subsequent Amended Complaint, Plaintiffs shall not serve non-jurisdictional discovery requests on the Non-U.S. Defendants, and no Non-U.S. Defendant shall be required to serve discovery responses, produce documents or things, or appear for deposition during that time.

4. If and when Plaintiffs serve non-jurisdictional discovery on a Non-U.S. Defendant, with respect to that discovery:

i. The Non-U.S. Defendant’s responses and objections to interrogatories shall be due no earlier than 90 days after service of the interrogatories.

ii. The Non-U.S. Defendant’s responses and objections to all other written discovery requests shall be due no earlier than 75 days after service of the requests, and they shall have 60 additional days to commence document

production following service of responses and objections to document requests.

5. Plaintiffs will provide at least 90 days' notice when requesting a Rule 30(b)(6) deposition of any Non-U.S. Defendant, or a deposition of a Non-U.S. Defendant's current or former employees. Unless otherwise agreed, any deposition of any Non-U.S. Defendant, or any of its current or former employees located in the Republic of Korea, will proceed in Seoul, Republic of Korea, during normal business hours in the Republic of Korea. The court reporter may be located in the United States and the oath may be administered remotely. This provision applies to depositions of individuals and depositions under Rule 30(b)(6).

6. Counsel for the Non-U.S. Defendants will provide notice at least 75 days before any noticed deposition of a Non-U.S. Defendant, or any of its current or former employees, if the witness requests a translator for the deposition. Plaintiffs may retain their own translator for such depositions who may participate in the deposition in person or remotely.

7. For each deposition of a Korea-based witness who will utilize a translator at his or her deposition, the interrogating party will distribute to counsel for the Non-U.S. Defendants an English translation of each document that is originally in a language other than English that the interrogating party reasonably intends to use as an exhibit in that deposition. Any such documents will be produced

at least seven days before the deposition. If counsel for the Non-U.S. Defendants request any other accommodation for a witness who will utilize a translator at his or deposition, the parties shall confer in good faith, and, if they are unable to agree, shall present the issue to the Court for resolution.

8. Nothing in this Order will be interpreted to require the interrogating party to produce in advance any documents that the interrogating party, in good faith, intends to use solely to impeach the testimony of a witness.

9. If and when Plaintiffs agree with any other Defendants on extensions of time or other accommodations regarding discovery in this matter, or if the Court so orders, the Non-U.S. Defendants will be entitled to extensions or accommodations that are at least as favorable as those agreed or ordered.

10. Plaintiffs reserve the right to seek jurisdictional discovery of a Non-U.S. Defendant if it challenges jurisdiction, and each Non-U.S. Defendant reserves the right to oppose or object to any request for jurisdictional discovery. If Plaintiffs serve jurisdictional discovery on a Non-U.S. Defendant, that defendant shall, within 21 days of service of the jurisdictional discovery requests, advise Plaintiffs whether it intends to oppose Plaintiffs' entitlement to jurisdictional discovery in its entirety. For any jurisdictional discovery request to which the Non-U.S. Defendants agree to provide responses, subject to any standard (i.e., non-jurisdictional) discovery objections, the extended time limits applicable to non-jurisdictional discovery as set

forth in paragraph 4(c) shall apply unless otherwise ordered by the Court.

11. For any jurisdictional discovery request as to which a Non-U.S. Defendant opposes Plaintiffs' right to jurisdictional discovery, if the parties are unable to resolve the issue, Plaintiffs shall present the issue to the Court for final resolution in accordance with the Instructions for Cases Assigned to the Hon. Eleanor L. Ross and Local Rule 37.1. If a dispute is presented to the Court and the Court finds that Plaintiffs are entitled to the jurisdictional discovery at issue, the Non-U.S. Defendants agree to provide responses within 60 days of resolution by the Court or by any other time directed by the Court.

IT IS SO ORDERED.

Dated: _____, 2024

Hon. Eleanor Louise Ross
United States District Court Judge